



LOWEY DANNENBERG

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC# 3/23/19  
DATE FILED: 3/25/19

February 6, 2019

Via ECF

The Honorable John G. Koeltl  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

APPLICATION GRANTED  
SO ORDERED

3/23/19

  
John G. Koeltl, U.S.D.J.

**Re: *In re JPMorgan Precious Metals Spoofing*, 18-cv-10356 (JGK) (S.D.N.Y.)**

Dear Judge Koeltl:

As Lead Counsel for Plaintiffs, we write to request a 30-day extension of time to serve Defendant John Edmonds.

At the February 1, 2019 conference, we informed the Court that after filing this action we have been trying to personally serve Mr. Edmonds at his last known address and at his parents' home address. *See* Exhibits 1 and 2. To date, these efforts have not been successful. Mr. Edmonds' mother accepted service of the summons and complaint, but it has not been confirmed that Mr. Edmonds resides there.

We have also been in contact with Mr. Edmonds' attorney in his criminal case pending in the District of Connecticut. We are hopeful that this extension will result in completing service on Mr. Edmonds without formal motion practice and a request for alternative means of service.

The current deadline under Federal Rule of Civil Procedure 4 to serve Mr. Edmonds is today. This is Plaintiffs' first request.

We are available to answer any questions the Court may have.

Respectfully submitted,

/s/ Vincent Briganti  
Vincent Briganti

cc: All Counsel of Record (via ECF)

[www.lowey.com](http://www.lowey.com)

44 South Broadway, Suite 1100, White Plains, NY 10601 (p) 914-997-0500 (f) 914-997-0035  
Four Tower Bridge, 200 Barr Harbor Drive, Suite 400, West Conshohocken, PA 19428-2977 (p): 610-941-2760 (f): 610-862-9777

DOMINICK COGNATA INDIVIDUALLY AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED

Plaintiff(s)

Index # 1:18-CV10356-JGK

- against -

JPMORGAN CHASE &amp; CO., ETAL

Purchased November 7, 2018

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

MICHELLE LVOVICH BEING DULY SWEORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

LOWEY DANNENBERG, P.C. requested that I serve a copy of the SUMMONS AND COMPLAINT, ORDER in the above action for personal service upon JOHN EDMONDS at

624 BAY RIDGE PARKWAY  
APT. 2  
BROOKLYN, NY 11209

Your deponent made proper and diligent effort to serve said process on the above named person(s). I called at the aforementioned address on

January 9, 2019 at 1903 Hours, January 10, 2019 at 1422 Hours and January 12, 2019 at 1346 Hours and I was unable to serve the defendant. At the given address is an apartment building where the defendant's name does not appear on any bell, mailbox or directory. On each attempt I knocked on the door to Apt. 2 but I received no answer. I spoke to several tenants who had no information pertaining the whereabouts of the defendant and I could not verify whether or not the defendant lived at said premises.

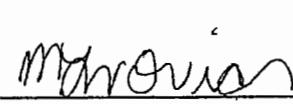
Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: January 16, 2019

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Commission Expires November 26, 2019

RALPH J MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
Qualified in New York County  
Commission Expires April 11, 2019

VINETTA BREWER  
Notary Public, State of New York  
No. 4949206  
Qualified in Bronx County  
Commission Expires April 3, 2019

  
MICHELLE LVOVICH  
License #: 2048202  
Invoice #: 710176

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK

Attorney: LOWEY DANNENBERG, P.C.

DOMINICK COGNATA, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED

Plaintiff(s)

- against -

Index # 1:18-CV-10356-JGK

JPMORGAN CHASE &amp; CO., ETAL

Purchased November 13, 2018

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

MICHELLE LVOVICH BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on January 17, 2019 at 07.58 PM at

2018 WEST 12TH STREET  
BROOKLYN, NY 11223

deponent served the within SUMMONS AND COMPLAINT on JOHN EDMONDS therein named,

**SUITABLE AGE** by delivering thereat a true copy of each to "JANE SMITH" a person of suitable age and discretion. Said premises is Defendant's dwelling house within the state. She identified herself as the MOTHER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
<u>FEMALE</u>	<u>WHITE</u>	<u>GRAY</u>	<u>55</u>	<u>5'4</u>	<u>180</u>

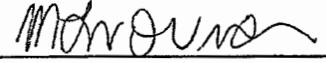
**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at2018 WEST 12TH STREET  
BROOKLYN, NY 11223

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on January 18, 2019 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL &amp; CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served

PERSON SPOKEN TO REFUSED TO STATE TRUE FIRST AND/OR LAST NAMES

**MILITARY SERVICE** Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to me on: January 18, 2019

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified in New York County  
Commission Expires November 26, 2019RALPH J MULLEN  
Notary Public, State of New York  
No. 01MU6238632  
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Notary Public, State of New York  
No. 4949206  
Qualified in Bronx County  
Commission Expires April 3, 2019  
MICHELLE LVOVICH  
License #: 2048202  
Invoice #: 710875